

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

Criminal No. 03-244-4
Civil Action No. 08-784

MAURICE ASKEW

**ORDER OF COURT DENYING
CERTIFICATE OF APPEALABILITY**

On January 1, 2010, this Court entered an Order denying Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody ("Motion to Vacate") (Doc. No. 260) which raised three grounds for relief. The Court declined to conduct an evidentiary hearing on petitioner's Motion to Vacate because the record conclusively showed that none of the grounds were even plausible. Denial of petitioner's Motion to Vacate was not a close call, but the Court, inadvertently, did not issue a Certificate of Appealability or state the reasons why such Certificate should not issue.

Upon remand from the United States Court of Appeals for the Third Circuit (Doc. No. 285), IT IS HEREBY ORDERED as follows:

AND NOW, this 20th day of April, 2010, for the reasons set forth in the Memorandum Opinion Regarding Petitioner's Motion to Vacate (Doc. No. 272), the Court finds that no reasonable jurist could find merit to any issue raised in petitioner's motion to vacate, and therefore, the Court declines to issue a Certificate of Appealability.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc:
all counsel registered on ECF

Maurice Askew, Petitioner
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